



Australian Government

Australian Taxation Office

ADMINISTRATIVE GUIDANCE – COLLECTION OF MISSING MANDATORY MEMBER INFORMATION – VERSION 1.0

PURPOSE

The purpose of this document is to outline principles regarding the approach of APRA fund trustees in the event that incomplete employee information is received with an employer contribution.

Reference to other technical guidance

This guidance is intended to support the previously issued technical guidance – *Default values for mandatory fields when data is unavailable (GO22)*.

Policy objective

The collection of certain mandatory information is a key policy objective to improve the quality of data available for super funds to support their member engagement activities and reduce the level of lost superannuation.

BACKGROUND

SIS regulation 7.07E (Employee details for contribution) identifies the mandatory information that an employer must provide to an APRA fund when making a contribution, this being the employee's:

- full name;
- residential address;
- tax file number; and
- telephone number.

The employer must provide this information along with other required contribution data on the same day they make the contribution to the fund. However, an employer is not required to give this information to the APRA fund if the employee has not given the information to the employer and the employer has made reasonable efforts to obtain this information.

SIS Regulation 7.07G (Incomplete contribution information) applies to an APRA fund in the event that an employer contribution is not accompanied by all the information specified in Regulation 7.07E.

In the event an employer contribution is received by an APRA fund that does not contain all required information, the APRA fund is required to contact the employer within 5 business days of receiving the contribution and request the missing information.

The employer is required to make reasonable efforts to obtain and return correct or complete information to the APRA fund within 10 business days of being contacted.

If no further information is forthcoming *and the APRA fund is unable to allocate the contribution to a member account*, the contribution payment is to be returned to the employer within 20 business days of receiving the contribution.

ISSUE

APRA funds have expressed concern that a strict interpretation of Regulation 7.07G will trigger contact with employers to collect incorrect or missing employee information (as per Regulation 7.07E) at each contribution cycle, regardless of whether this missing information impacts the successful allocation of the contribution to a member account.

In particular, the requirement to give an employee telephone number has raised specific concerns regarding the cost and effort to collect information that is not directly used to support allocation of contributions to a member's account.

REGULATORY PRINCIPLES

The following principles may be used by APRA funds as a guideline for minimum conduct to meeting the obligations outlined in Regulation 7.07G:

Principle 1:

APRA funds should **always** allocate contributions to the member account where they can do so within 3 days.

This should occur regardless of whether or not employee information is complete (as per Regulation 7.07E).

Principle 2:

APRA funds, in accordance with Regulation 7.07G, must have processes to support collection of missing information required by regulation 7.07E.

At a minimum this will involve communicating with the employer, or their agent, at least once regarding a given employee.

Note: APRA funds are not expected to contact employers on each occasion that a contribution is received with incomplete employee information.

Principle 3:

Contact between APRA funds and employers to collect missing employee information should occur in alignment with existing SuperStream processes where practical, though an alternate channel is permitted.

Principle 4:

APRA funds are required to document the process to be implemented to collect missing or incomplete employee contribution information.

This process is to include the ability to identify employers that have been contacted by the fund to provide further information.